UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Stephen Bain,   :
        Plaintiff,   :
                                       :
        v.   : File No. 2:06 CV 217
                                       :
Dr. Paul Cotton, Steven Gold,   :
Robert Hofmann, Otter Creek   :
Associates, William Cote,   :
Mimi Francis, and unknown   :
mental health care providers,   :
        Defendants.   :

ORDER

The Report and Recommendation of the United States
Magistrate Judge was filed June 10, 2010. Plaintiff's
objections were filed July 8, 2010.

A district judge must make a *de novo* determination of
those portions of a magistrate judge's report and
recommendation to which an objection is made. Fed. R. Civ. P.
72(b); 28 U.S.C. § 636(b)(1); *Perez-Rubio v. Wyckoff*, 718
F.Supp. 217, 227 (S.D.N.Y. 1989). The district judge may
"accept, reject, or modify, in whole or in part, the
magistrate's proposed findings and recommendations." *Id.*

After careful review of the file, the Magistrate Judge's
Report and Recommendation and the objections, this
Court ADOPTS the Magistrate Judge's recommendations in full.

IT IS HEREBY ORDERED that the motions for summary judgment
(Papers 180, 181, 182, 184, and 185) are GRANTED. In addition,

the plaintiff's motion for extension of time (Paper 195) is DENIED.

Pursuant to Fed. R. App. P. 22(b), a certificate of appealability is DENIED because the petitioner has failed to make a substantial showing of denial of a federal right. Furthermore, the petitioner's grounds for relief do not present issues which are debatable among jurists of reasons, which could have been resolved differently, or which deserve further proceedings. See e.g., Flieger v. Delo, 16 F.3rd 878, 882-83 (8th Cir.) cert. denied, 513 U.S. 946 (1994); Sawyer v. Collins, 986 F.2d 1493, 1497 (5th cir.), cert. denied, 508 U.S. 933 (1993).

Furthermore, it is certified that any appeal of this matter would not be taken in good faith, pursuant to 28 U.S.C. § 1915(a)(3).

THIS CASE IS CLOSED.

Dated at Burlington, in the District of Vermont, this 13th day of July, 2010.

/s/ William K. Sessions III
William K. Sessions III
Chief Judge